

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA	:	Case No. 1:07CR318
Plaintiff,	:	
	:	JUDGE KATHLEEN O'MALLEY
v.	:	
ROBERT E. ALICK	:	<u>ORDER</u>
Defendant.	:	

In order to resolve all remaining motions still pending and allow the parties adequate time to prepare for trial, the Court issues the following orders: Defendant's Motion to Dismiss Counts 16-35 (Doc. 98) is **GRANTED** as to Counts 32 through 35, inclusive. Like Counts 33-35, Count 32 allegedly occurred after tax-year 2005 and is, therefore, also beyond the temporal scope promised by the Government on September 9, 2008.¹ As to Counts 16-19, the Defendant's Motion to Dismiss (Doc. 98) premised on statute of limitations grounds is **DENIED** in its entirety, including to the extent premised on the accrual date for that limitations period; the Court will explain its reasoning for this ruling in more detail later in these proceedings. Defendant's Motion to Reconsider (Doc. 112) the Court's February 8, 2010 Order is **DENIED** in its entirety, for the same reasons the Court articulated in its original Order (Doc. 111); the only specific, binding promise by the Government regarding the temporal scope of the Second Superseding Indictment was that no charges would be

¹The Court granted Defendant's Motion to Dismiss as to Counts 33-35 during the motions hearing held in this matter on February 3, 2010. The Court explained the rationale for that ruling on the record. The Court held in abeyance its decision as to Count 32. Having considered the issue further, the Court concludes that its rationale for dismissing Counts 33-35 applies equally to Count 32.

included for activities or obligations which post-dated the 2005 tax year.

IT IS SO ORDERED.

s/Kathleen M. O'Malley
KATHLEEN McDONALD O'MALLEY
UNITED STATES DISTRICT JUDGE

Dated: February 17, 2010